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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re Petition of)
)
WISCONSIN VOICE OF)
CHRISTIAN YOUTH, INC.)
)
For Amendment of § 73.606,)
TV Table of Allotments,)
to Delete Channel 14 from)
Suring, Wisconsin, and)
to Add Channel 14 at)
Appleton, Wisconsin)

RM - _____

To: Chief, Allocations Branch

REPLY TO OPPOSITION
TO PETITION FOR RECONSIDERATION AND REINSTATEMENT

Wisconsin Voice of Christian Youth, Inc. ("WVCY"), licensee of Television Station WSCO-TV, Suring, Wisconsin, by its attorneys, hereby replies to the opposition of Aries Telecommunications Corporation ("Aries"), licensee of Television Station WGBA, Appleton, Wisconsin, to WVCY's pending petition for reconsideration and reinstatement of the above-referenced petition for rulemaking.

As will be shown below, Aries has provided the Commission with nothing to overcome WVCY's prior demonstrations that the public interest will be served by allowing WSCO-TV to change its community of license in order to make possible an economically viable future for the station. Accordingly, it is respectfully submitted that the Commission should proceed promptly to issue a notice of proposed rulemaking seeking comment on WVCY's proposed change in the community of license of WSCO-TV.

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I. The Public Interest Will Be Served by Changing the
Community of License of WSCO-TV

In its opposition, Aries generally claims that WVCY's proposal fails to advance the goals of Section 307(b) of the Communications Act and, as a result, that the proposal to change WSCO's community of license fails to comport with the parameters set forth in the new community of license rulemaking proceeding. Aries Opposition at 2-6. As has been demonstrated previously, however, WVCY's proposal to change the station's community of license is the only realistic means to ensure the station's long-term economic viability.¹ Suring, a community of only 581 persons,² has proven itself unable to support a full-service television station. Thus, the scenario which Aries seeks to portray is essentially a false one. The choice is not truly one between Suring and another community. Rather, the choice is between having a silent channel allotted to Suring, a community that has not supported and cannot support a full-service

¹ Aries contends that WVCY's petition is somehow deficient because WVCY has not provided any documentation regarding the station's economic situation. Opposition at 5. WVCY, however, has fully informed the Commission of its plight in previous submissions, and stands ready to provide the Commission with any further documentation it may request. WVCY respectfully suggests, however, that, should the Commission desire any specific additional data, it require WVCY to supply it in support of its comments in response to a notice of proposed rulemaking ("NPRM") to change the community of license of WSCO-TV. Given the nearly three years that the petition has been pending, such a course would further the public interest by expediting this already long-delayed proceeding.

² See Petition for Rulemaking at 3.

television station, and having a viable station licensed to, and operating in, another community capable of supporting it.

In this regard, WVCY has requested that the community of license be changed to Appleton, Wisconsin. WVCY believes that Appleton, which has but one other local service, is the area community best capable of supporting the station. As WVCY has previously advised the Commission, however, to the extent the Commission is troubled by Appleton as the proposed new community of license, WVCY is ready and willing to propose to provide service to an alternative community -- one that is currently without a local television service -- for purposes of the proposed rulemaking. Supplement to Petition for Reconsideration and Reinstatement at 4, n.3. For example, should Appleton ultimately be considered by the Commission to be an unacceptable new community for WSCO-TV, WVCY is fully prepared to provide service to New London, Wisconsin, as an alternative new community of license.

The most critical fact is that Suring simply is not capable of supporting the station, and WVCY cannot afford to operate the station on that basis. New London currently has no local television service. Thus, in this situation, the choice is between retaining the allotment at Suring and providing New London, a larger community which WVCY believes capable of

supporting the station, with its first local television service.³ WVCY respectfully submits that the selection of such an alternative community should alleviate many of Aries' purported concerns, and will comport with the Commission's allotment priorities. Further, the change will allow WVCY to upgrade significantly the station's facilities.

II. The Freeze on New Television Allotments Should Not Preclude the Public From the Benefits Which Will Flow From the Change in the Community of License of WSCO-TV

Aries next contends that the Commission properly rejected WVCY's petition on the grounds that the proposal violated the freeze placed on new television allotments in areas surrounding the fifty largest television markets. Opposition at 6-7. As demonstrated in the petition for reconsideration, however, the freeze does not apply to changes requested by existing stations. See Petition for Reconsideration and Reinstatement. Even if the freeze were deemed to apply, however, a waiver would be appropriate. WVCY has demonstrated that the station cannot operate from Suring. Thus, the public interest would be served

³ It is true, as Aries notes, that the change proposed by WVCY would result in a gray area of some 800 persons. See Opposition at 5; Petition for Rulemaking at 4. However, WVCY believes that retention of the current allotment will result in a total loss of service by Channel 14. Moreover, allowing the change in community of license -- either to Appleton, to New London, or to some other viable community of license -- will enable WVCY to upgrade the station's facilities to serve more than 380,000 people more than are capable of receiving service from the station's presently authorized facilities. Petition for Rulemaking at 4. Consequently, WVCY believes it is clear that the proposed change will further the public interest.

by waiving the freeze in order to maintain a pre-existing service to the public.⁴

III. Conclusion

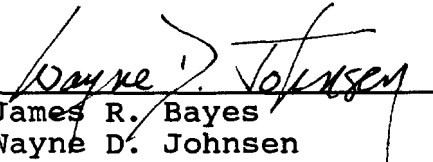
In sum, Aries has offered nothing other than a mechanistic invocation of "allotment priorities" to counter WVCY's demonstration that changing the community of license of WSCO-TV will serve the public interest. At the same time, WVCY recognizes that the change requested is not routine. As demonstrated in the Petition for Reconsideration, however, the proper course is not to reject WVCY's claim at the outset, but to issue a notice of proposed rulemaking which will allow full and complete consideration of the issue through standard notice and comment proceedings. Accordingly, it is respectfully submitted that the Commission should issue a notice of proposed rulemaking

⁴ As Commission records will reflect, WSCO-TV is currently silent. The station's silence is the result both of the inability of Suring to support the station and the extraordinary length of this proceeding. As WVCY has repeatedly informed the Commission, it is not in a position to bear the expense of both a current change in facilities (while maintaining Suring as its community of license) and a subsequent change resulting from a grant of its petition. Contrary to Aries' implications, see Opposition at 4, n.7, this does not mean that WVCY is not financially qualified to construct and operate the proposed facilities.

to amend the TV Table of Allotments to change WSCO's community of license.

Respectfully submitted,

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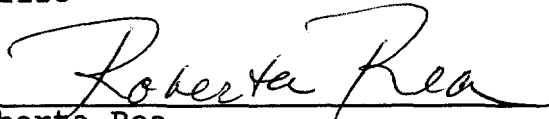
April 13, 1992

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April, 1992, I caused copies of the foregoing "Reply to Opposition to Petition for Reconsideration and Reinstatement" to be mailed via first-class postage prepaid mail to the following:

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